

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

John F. Hobdy, Jr.,

Debtor,

&

Flagstar Bank, FSB,

Secured Creditor.

Docket No. 21-21690-CMB

Chapter 13

Related Document: Claim # 9

STIPULATION AND ORDER

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the following Stipulation:

WHEREAS, on February 9, 2018, Debtor John F. Hobdy, Jr., (hereinafter “Debtor”) executed a note for \$206,600.00 in favor of Milend, Inc.; said Note is secured by a mortgage on real property known as 1018 Mellon Street, Pittsburgh, PA 15206;

WHEREAS, the subject mortgage was recorded on April 10, 2018 in the Alleghany County land records at BK-M, VL-49125, PG-416 as instrument number 2018-22606;

WHEREAS, the mortgage was assigned to Flagstar Bank, FSB (hereinafter “Secured Creditor”) as evidenced by the assignment of mortgage recorded in the Alleghany County land records on November 17, 2020 at BK-M, VL-53130, PG-522;

WHEREAS, the “Certificate of Residence of Mortgagee” recorded along with the mortgage was not executed and is an error and/or omission that requires correction;

WHEREAS, the “Certificate of Residence of Mortgagee” has since been executed and is attached hereto as Exhibit “A;”

WHEREAS, Debtor is aware of the error of the unexecuted “Certificate of Residence of Mortgagee” and has agreed to allow the re-recording of the mortgage in accordance with his duties under the terms of the closing documents executed at the time of loan origination;

WHEREAS, the parties enter into this Stipulation to allow for the re-recording of a copy of the original mortgage along with the corrected, executed “Certificate of Residence of Mortgagee,”

It is therefore Stipulated and agreed as follows:

1. Secured Creditor is hereby authorized to correct the unexecuted “Certificate of Residence of Mortgagee” by re-recording the mortgage initially recorded in the Alleghany County land records on April 10, 2018 in BK-M, VL-49125, PG-416 as instrument number 2018-22606 along with an executed “Certificate of Residence of Mortgagee;” and
2. The re-recording and related actions shall not be deemed a violation of the automatic stay; and
3. The re-recording of the mortgage to correct the “certificate of Residence of Mortgagee” shall relate back to the original recording date of April 10, 2018; and
4. The Prothonotary is hereby directed to record a copy of the original mortgage

for re-recording along with the original signed “Certificate of Residence of Mortgagee” and a copy of this Stipulation and Order in lieu of an original or re-executed mortgage.

Consented to by:

/s/ Matthew M. Brennan

/s/ Brian C. Nicholas

Matthew M. Brennan, Esquire

Brian C. Nicholas, Esquire

PA ID No. 317240

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Dated: 2/2/2022

REVIEWED AND APPROVED BY:

Honorable Carlota Böhm
Chief Judge, United States Bankruptcy Court